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6	DISTRICT OF NEVADA	
7	BY:	DEPUTY

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

UNITED STATES OF AMERICA,
Plaintiff,
v.
PAUL DAVID KOCH,
Defendant.

2:20-cr-00240-JAD-NJK

Preliminary Order of Forfeiture

This Court finds Paul David Koch pled guilty to Count Six of a Six-Count Criminal Indictment charging him with distribution of a controlled substance—cocaine, in violation 21 U.S.C. § 841(a)(1). Criminal Indictment, ECF No. 9; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds Paul David Koch agreed to the forfeiture of the property and the imposition of the in personam criminal forfeiture money judgment set forth in the Plea Agreement and Forfeiture Allegation Two of the Criminal Indictment. Criminal Indictment, ECF No. 9; Change of Plea, ECF No. __; Plea Agreement, ECF No. __.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (b)(2), the United States of America has shown the requisite nexus between property set forth in the Plea Agreement Forfeiture Allegation Two of the Criminal Indictment and the offense to which Paul David Koch pled guilty.

The following property and money judgment are (1) any property, real or personal, which constitutes or is derived from proceeds traceable to a violation of 21 U.S.C. § 841(a)(1), a specified unlawful activity as defined in 18 U.S.C. §§ 1956(c)(7)(A) and 1961(1)(D), or a conspiracy to commit such offense; (2) any property constituting, or

1 derived from, any proceeds obtained, directly or indirectly, as the result of violations of 21
2 U.S.C. § 841(a)(1); and (3) all moneys, negotiable instruments, securities, or other things of
3 value furnished or intended to be furnished in exchange for a controlled substance or listed
4 chemical in violation of 21 U.S.C. § 841(a)(1), all proceeds traceable to such an exchange,
5 and all moneys, negotiable instruments, and securities used or intended to be used to
6 facilitate any violation of 21 U.S.C. § 841(a)(1), and are subject to forfeiture pursuant to 18
7 U.S.C. § 981(a)(1)(C) with 28 U.S.C. § 2461(c); 21 U.S.C. § 853(a)(1) and 853(p); and 21
8 U.S.C. § 881(a)(6) with 28 U.S.C. § 2461(c):

9 1. \$4,000 in United States Currency (property);

10 and an in personam criminal forfeiture money judgment of \$18,200, and that the
11 property will be applied toward the payment of the money judgment.

12 This Court finds that on the government's motion, the Court may at any time enter
13 an order of forfeiture or amend an existing order of forfeiture to include subsequently
14 located property or substitute property pursuant to Fed. R. Crim. P. 32.2(e) and
15 32.2(b)(2)(C).

16 The in personam criminal forfeiture money judgment complies with *Honeycutt v.*
17 *United States*, 137 S. Ct. 1626 (2017).

18 This Court finds the United States of America is now entitled to, and should, reduce
19 the aforementioned property to the possession of the United States of America.

20 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND
21 DECREED that the United States of America should seize the aforementioned property.

22 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the United
23 States of America recover from Paul David Koch an in personam criminal forfeiture money
24 judgment of \$18,200.

25 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all possessory
26 rights, ownership rights, and all rights, titles, and interests of Paul David Koch in the
27 aforementioned property are forfeited and are vested in the United States of America and
28 shall be safely held by the United States of America until further order of the Court.

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States
2 of America shall publish for at least thirty (30) consecutive days on the official internet
3 government forfeiture website, www.forfeiture.gov, notice of this Order, which shall
4 describe the forfeited property, state the time under the applicable statute when a petition
5 contesting the forfeiture must be filed, and state the name and contact information for the
6 government attorney to be served with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6)
7 and 21 U.S.C. § 853(n)(2). In the alternative, if the value of the property is less than \$1,000,
8 the government may instead serve every person reasonably identified as a potential claimant
9 in lieu of publication pursuant to Fed. R. Crim. P. 32.2(b)(6)(C) with Fed. R. Civ. P. Supp.

10 Rule G(4)(a)(i)(A).

11 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual
12 or entity who claims an interest in the aforementioned property must file a petition for a
13 hearing to adjudicate the validity of the petitioner's alleged interest in the property, which
14 petition shall be signed by the petitioner under penalty of perjury pursuant to 21 U.S.C. §
15 853(n)(3) and 28 U.S.C. § 1746, and shall set forth the nature and extent of the petitioner's
16 right, title, or interest in the forfeited property and any additional facts supporting the
17 petitioner's petition and the relief sought.

18 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any,
19 must be filed with the Clerk of the Court, 333 Las Vegas Boulevard South, Las Vegas,
20 Nevada 89101, no later than thirty (30) days after the notice is sent or, if direct notice was
21 not sent, no later than sixty (60) days after the first day of the publication on the official
22 internet government forfeiture site, www.forfeiture.gov.

23 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the
24 petition, if any, shall be served upon the Asset Forfeiture Attorney of the United States
25 Attorney's Office at the following address at the time of filing:

26 Daniel D. Hollingsworth
27 Assistant United States Attorney
28 James A. Blum
29 Assistant United States Attorney

/ / /

501 Las Vegas Boulevard South, Suite 1100
Las Vegas, Nevada 89101.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate agency following publication of notice of seizure and intent to administratively forfeit the above-described property.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies of this Order to all counsel of record and three certified copies to the United States Attorney's Office, Attention Asset Forfeiture Unit.

DATED February 16, 2021.

~~GLORIA M. NAVARRO NANCY J. KOPPE~~
~~UNITED STATES DISTRICT JUDGE~~
~~UNITED STATES MAGISTRATE JUDGE~~